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### REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

#### *Claim Rejections 35 U.S.C. § 112*

The Office Action rejected claims 4 and 8 under 35 U.S.C. § 112, second paragraph as being indefinite because limitations in the respective claims lacked proper antecedent. Claims 4 and 8 are amended to eliminate any lack of antecedent and the rejection is traversed.

#### *Claim Rejections 35 U.S.C. § 102*

The Office Action rejected claims 1-3, 5-11 and 13-25 under 35 U.S.C. 102(e) as being anticipated by Verbin et al. in United States Patent No. 6,520,744. Claims 1-3, 9-11 and 17-19 are cancelled and the rejection of those claims is traversed.

Claim 4 is amended to include the limitations of claims 1 and 3 and further amended to include the limitation of calculating at the CPE a data channel transmission power level and an apportionment of the power level between the CPE and a central office serving the digital subscriber line. The calculated power level apportioned to the CPE and the central office is saved in a memory of the communications device, and on detecting the off-hook event at the CPE, the data channel transmission power set at the CPE in accordance with the power level apportioned to the CPE, and the CPE signals the central office power level apportioned to the central office. This is neither taught nor suggested by Verbin et al. or any combination of the cited references. Support for the amendment is found on page 21, paragraph 2.

Corresponding amendments are made in claims 12, 20 and 25. The rejection of claims 5-11, 13-16 and 20-25 is thereby traversed.

#### *Claim Rejections 35 U.S.C. § 103*

The Office Action rejected claims 4 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Verbin et al. in view of Ibrahim et al.

The rejection is not understood. Ibrahim in United States Patent No. 6,563,864 teaches a digital subscriber line modem capable of operating with multiple transmission line profiles depending on the current transmission line characteristics of

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a wire line pair. Ibrahim et al. fail to teach or suggest signalling a power level from a first to a second modem.

The rejection in the Office Action begins by referring to Ibrahim, but ends by referring to Cole stating that "to implement the Cole's feedback method/Politeness cutback feature in Verbin's system ..." It is assumed that United States Patent No. 6,487,241 to Cole is intended, although there is no explicit reference to a patent that stands in the name of Cole.

In any event, no combination of Verbin, Ibrahim et al. and Cole teach or suggest the invention claimed in amended claims 4-8, 12-16 and 20-25 and the rejection of those claims is traversed.

In view of the amendments to the claims set forth above as well as for reasons set forth above in detail, the claims that remain pending in this application are deemed to be in a condition for immediate allowance. Favourable reconsideration and early issuance of a Notice Allowance is therefore requested.

Respectfully submitted,

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